

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. The Final Office Action of October 1, 2004 and the Advisory Action of February 25, 2005 have been received and their contents carefully reviewed.

Applicant amends claims 1, 12, 17, and 31; and adds claims 37–46. Accordingly, claims 1, 4–10, 12–18, and 21–42 are pending. Reconsideration of the application is respectfully requested.

In the Office Action, the Examiner rejects claims 1, 4–10, 12–18, and 21–36 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0022952 by Zager et al. (hereinafter “Zager”).

Applicant respectfully traverses the rejection of independent claim 1 and requests reconsideration. Claim 1, as amended, is allowable over Zager in that it recites “performing adaptive feedback control of the infrastructure component, based on the states.” Nothing in Zager teaches or suggests at least this feature of the claimed invention. Applicant notes the Examiner’s response regarding the “non” condition, and hereby amends the claim. Accordingly, Applicant respectfully submits that independent claim 1, and claims 4–10 and 29, which depend from independent claim 1, are allowable over Zager.

In the Advisory Action, the Examiner states that “[a]ny function that has feedback is adaptive by the very concept of feedback.” Applicant respectfully asserts that amended claim 1 recites adaptive feedback *control*, as distinct from say, manual control decisions and actions made by a human based on health monitoring alerting that uses adaptive feedback in its method of monitoring and alerting, and that the concept of “control of the infrastructure component” in an automated fashion (versus human or manual control) is not taught or suggested by Zager. Zager is directed to monitoring and alert generation (for subsequent human consideration and potential manual response), and not automated control based on adaptive feedback. The specification of the present application provides examples of control of an infrastructure component, including “re-rank[ing] with a much lower priority,” “instruct[ing] to kill ... applications,” and “restrict[ing] the use of any application at any time instance to maximum of

memory capacity.” (See ¶ 166). These are examples of autonomic control of an infrastructure component as claimed in the present application. Nothing in Zager teaches or suggests such autonomic control of an infrastructure component based on adaptive feedback. Accordingly, Applicant respectfully submits that “performing adaptive feedback control of the infrastructure component,” as recited in independent claim 1, is patentably distinct from the teaching of Zager, and that claim 1 and its dependent claims 4–10, 29, and 37–39, are allowable for the reasons stated above.

Applicant respectfully traverses the rejection of independent claim 12 and requests reconsideration. Independent claim 12, as amended, is allowable over Zager in that it recites “performing adaptive feedback control of the infrastructure component.” Nothing in Zager teaches or suggests at least this feature of the claimed invention. Accordingly, for the same or similar reasons as those stated above, Applicant respectfully submits that independent claim 12, and claims 13–16, which depend from claim 12, are allowable over Zager.

Applicant respectfully traverses the rejection of independent claim 17 and requests reconsideration. Claim 17, as amended, is allowable over Zager in that it recites “implementing an adaptive feedback control of the infrastructure component, based on said states.” Nothing in Zager teaches or suggests at least this feature of the claimed invention. Applicant notes the Examiner’s response regarding the “non” condition, and hereby amends the claim. Accordingly, for the same or similar reasons as those stated above, Applicant respectfully submits that independent claim 17, and claims 18, 21–28, and 30, which depend from claim 17, are allowable over Zager.

Applicant respectfully traverses the rejection of independent claim 31 and requests reconsideration. Independent claim 31, as amended, is allowable over Zager in that it recites “performing adaptive feedback control of the infrastructure component.” Nothing in Zager teaches or suggests at least this feature of the claimed invention. Accordingly, for the same or similar reasons as those stated above, Applicant respectfully submits that independent claim 31, and claims 32–36, which depend from claim 31, are allowable over the Zager.

Application No.: 10/032,967
Amendment dated March 31, 2005
Reply to Final Office Action dated October 1, 2004

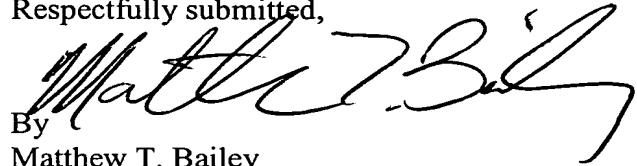
Docket No.: 8827.008.00-US

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: March 31, 2005

Respectfully submitted,



By

Matthew T. Bailey

Registration No.: 33,829

MCKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

Attorneys for Applicant

DC:50323066.3